

16.3.1

60796

JUL 11 90

City of New Bedford

OFFICE OF THE MAYOR

July 5, 1990

RECEIVED

JUL 09 90


John K. Bullard, Mayor

Peter Kenyon
Assistant Regional Counsel
U.S. Environmental Protection Agency
J.F. Kennedy Building
Boston, MA 02203

Re: Evaluation of EPA Hot Spot Operable Unit
for Inclusion of Contaminated Grit

Dear Mr. Kenyon:

In accordance with paragraph V.E.2(g) of the modified consent decree, the City is submitting this letter to inform the parties of its decision regarding possible inclusion of the contaminated grit located in the Belleville Avenue collector in EPA's upper harbor Superfund cleanup as described in the "Hot Spot" operable unit Record of Decision ("ROD") issued by EPA on April 6, 1990.

As agreed upon by the parties, and in compliance with paragraph V.E.2(c) of the modified consent decree, the City submitted part 1 of Phase II report in May 1990 which characterized and profiled the contaminated grit within the interceptor. The principle purpose of this investigation was, among others, to provide data necessary to evaluate the possible inclusion of the contaminated grit in the April 1990 "Hot Spot" operable unit ROD.

After reviewing the data contained in the CDM Part I Report, the "Hot Spot" Operable Unit ROD, and after conferring with EPA representatives, the City has decided to not pursue inclusion of the contaminated grit in this portion of the harbor cleanup. The reasons for this decision are as follows.

First, the City has been informed by EPA representatives that inclusion of grit remediation in the "Hot Spot" operable unit would not have agency support. It would be futile for the City to prepare a FRRP only to be told later that the option is not viable. We understand that EPA's position is a result of the technical requirements of the chosen remedy and the characterization of contaminated grit, and is not a change in EPA's willingness to consider inclusion in the second operable unit. The City continues to be appreciative of the time and consideration EPA has given to this problem to date and looks forward to continued cooperation by the parties.

Second, the City believes that the "Hot Spot" remedy is not well suited to remediate the contaminated grit. As noted above, we understand this view is shared by EPA. The ROD requires approximately 10,000 cubic yards of sediments to be dredged, dewatered and incinerated. The sediments to be treated are contaminated with PCBs



Mr. Peter Kenyon
July 5, 1990
Page two

ranging in concentrations from 4000 ppm to over 200,000 ppm. The sediments also contain concentrations of PAHs and heavy metals. These sediments are located in the Acushnet River Estuary. In contrast, the interceptor grit contains only moderate levels of PCBs, ranging from 24 ppm to as high as 265 ppm. The total volume of grit estimated to contain PCB concentrations above 50 ppm is 2500 cubic yards. Thus the criteria used by EPA to define "Hot Spot" areas for the operable unit does not apply to the interceptor grit as characterized in the CDM report. While the City is anxious to resolve the grit issue in a timely manner, the City concurs with EPA's opinion that the "Hot Spot" operable unit is not an appropriate remedy for the grit.

The City will evaluate EPA's lower harbor operable unit ROD which is currently awaiting issuance.

In the meantime, the City still is awaiting comments from the state regarding CDM's May report, and looks forward to continuing to work in cooperation with DEP and EPA in addressing this difficult and expensive problem.

Sincerely,



JOHN K. BULLARD
MAYOR

JKB:lsb